

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
November 16, 2010

Lake Forest City Hall  
25550 Commercentre Drive  
Council Chambers  
Lake Forest, California 92630

PRELIMINARY ACTION AGENDA: The listed Action represents a brief synopsis of the Council action. The Council Minutes, when approved, stand as the official record of the meeting. This Preliminary Action Agenda is provided as quick reference only and is NOT intended to serve as any form of the official record and should not be relied upon in making important decisions. Before making important decisions, you should review the approved minutes.

CALL TO ORDER:

6:07 p.m.

ROLL CALL: Council Members:

Kathryn McCullough

Marcia Rudolph

Mark Tetterer

Mayor Pro Tem:

Richard T. Dixon (absent)

Mayor:

Peter Herzog

City Manager:

Robert C. Dunek

City Attorney:

Scott C. Smith

City Clerk:

Stephanie D. Smith

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Existing Litigation

Number of Cases: 4

City of Lake Forest v. Lake Forest Body Centre, Charlie Abujudeh, Julie Ho, Christine Vo & El Toro Plaza, L.P. (Case No. 07-CC11555)

Charlie Abujudeh v. City of Lake Forest (Case No. 07-CC10334)

Julie Ho v. City of Lake Forest (Case No. 30-2008-00107142)

Doris Vo, et al. v. City of Lake Forest, et al. (Case No. 30-2008-00113132)

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Government Code Section 54956.9(b)

Number of Potential Cases: 1

ACTION: Conducted Closed Session.

RECESS: City Council recessed from Closed Session at 6:30 p.m. for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:03 p.m. with all members present except Mayor Pro Tem Dixon to continue regular City business.

#### PUBLIC SESSION

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of our Country was led by Council Member McCullough.

#### CLOSED SESSION REPORT:

City Attorney Smith stated there was no reportable action from Closed Session.

#### PRESENTATIONS:

3. 11TH LAKE FOREST LEADERSHIP ACADEMY submitted by Deputy City Manager/Director of Management Services. (F: 25.3) (X: 55.1)

ACTION: On motion by Council Member Rudolph, second by Council Member Tetterer, the City Council received the presentation.

4. RECOGNITION OF RESERVE FIREFIGHTERS, ORANGE COUNTY FIRE AUTHORITY STATION 19, CITY OF LAKE FOREST submitted by Deputy City Manager/Director of Management Services. (F: 55.5) (X: 71.7)

ACTION: On motion by Council Member Rudolph, second by Council Member Tetterer, the City Council approved the recognitions as submitted.

#### REPORT FROM STUDENT LIAISON: (F: 35.2A)

John Heffel, Student Liaison from El Toro High School, presented his report.

RECESS: City Council recessed at 7:23 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:25 p.m. with all members present except Mayor Pro Tem Dixon to continue regular City business.

**PUBLIC COMMENTS:**

The public offered no comments.

**CONSENT CALENDAR - WARRANT REGISTER: (Item No. 5)**

5. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer. (F: 30.11)

ACTION: On motion by Council Member Rudolph, second by Council Member Tettemer, the City Council approved the warrant register in the amount of \$2,222,108.04 as submitted.

**CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 6 - 18)**

On motion by Council Member Tettemer, second by Council Member McCullough, the City Council approved Consent Calendar Item Nos. \*6-8, \*10-11, and \*13-18 as submitted. MOTION CARRIED with Mayor Pro Tem Dixon absent.

- \*6. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

RECOMMENDED ACTION: Approve the reading by title of all Ordinances and Resolutions. Said Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and further reading waived.

- \*7. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON OCTOBER 19, 2010 submitted by City Clerk.

RECOMMENDED ACTION: Approve as submitted.

- \*8. CITY COUNCIL MEETING CALENDAR FOR 2011 submitted by City Clerk. (F: 26.10)

ACTION: Approved the City Council Meeting Calendar for 2011, to include a Budget Workshop on Tuesday, May 10, 2011.

- \*10. CITY FINANCIAL REPORTS - QUARTER ENDED SEPTEMBER 30, 2010 submitted by Director of Finance/City Treasurer. (F: 30.13)

ACTION: Received and filed the report.

- \*11. FISCAL YEAR 2010-11 TRAVEL EXPENSES 1ST QUARTER JULY 1 - SEPTEMBER 30, 2010 submitted by City Clerk. (F: 51.2A24a)

ACTION: Received and filed.

- \*13. SECOND AMENDMENT TO THE AGREEMENT WITH EMANUELS JONES & ASSOCIATES FOR LEGISLATIVE ADVOCACY SERVICES submitted by the Assistant to City Manager. (F: 72.2C1)

ACTION: 1. Approved the Second Amendment to the Agreement with Emanuels Jones & Associates for legislative advocacy services. 2. Authorized the Mayor to sign and the City Clerk to attest the Second Amendment with Emanuels Jones & Associates.

- \*14. FIRST AMENDMENT TO AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR GO LOCAL SERVICE PLANNING submitted by the Assistant to City Manager. (F: 32.24)

ACTION: 1. Approved Amendment No. 1 to Cooperative Agreement No. C-9-0305 between the Orange County Transportation Authority and the City of Lake Forest for Go Local Bus/Shuttle Service Planning. 2. Authorized the Mayor to sign and the City Clerk to attest the Amendment.

- \*15. NOTICE OF COMPLETION: HEROES PARK SNACK BAR AND RESTROOM PROJECT PW 2007.21 submitted by Director of Public Works/City Engineer. (F: 34.3D PW 2007.21)

ACTION: 1. Found that Hondo Company, of Santa Ana, California, has completed construction on the Heroes Park Snack Bar and Restroom Project (PW 2007.21). 2. Approved the Notice of Completion and authorized the Mayor to execute the document on behalf of the City. 3. Authorized the City Clerk to submit said Notice of Completion for recordation with the County Recorder of Orange County, within 10 days of City Council approval, as required by Section 3093 of the California

Civil Code. 4. Authorized payment to the contractor of the ten percent retention, in the amount of \$57,479.47, 30 days after the recording date of the Notice of Completion, provided no Stop Notices are on file with the City preventing the release of the final payment.

- \*16. CONTRACT FOR CONSULTANT SERVICES - ENVIRONMENTAL IMPACT ANALYSIS OF PROPOSED PORTOLA CENTER PROJECT submitted by Director of Development Services. (F: 50.11B6)

ACTION: 1. Approved the selection of RBF Consulting for environmental consultant services for the proposed Portola Center project in an amount not to exceed \$197,550. 2. Authorized the Mayor to execute, and the City Clerk to attest, the Professional Services agreement with RBF Consulting. 3. Authorized the Mayor to execute, and the City Clerk to attest, the Reimbursement Agreement with Rancho Portola Investments, LLC and USA Portola Properties, LLC.

- \*17. AMENDMENT TO CITY MANAGER'S EMPLOYMENT AGREEMENT submitted by Deputy City Manager/Director of Management Services. (F: 48.8A)

ACTION: Approved the Fourth Amendment to the City Manager's Employment Agreement and authorized the Mayor to execute and the City Clerk to attest the document.

- \*18. CONFLICT OF INTEREST CODE - APPENDIX AMENDMENT submitted by City Clerk. (F: 72.4J3b)

ACTION: Adopted Resolution No. 2010-43 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING AND ADOPTING AN AMENDED APPENDIX OF THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974. MOTION CARRIED with Mayor Pro Tem Dixon absent.

## PULLED CONSENT CALENDAR ITEMS

Council Member Rudolph pulled the following item for separate consideration.

9. MONTHLY TREASURER'S REPORT - OCTOBER submitted by Director of Finance/City Treasurer. (F: 30.12)

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council received and filed the report. MOTION CARRIED with Mayor Pro Tem Dixon absent. .

A member of the public requested to speak on this item, resulting in its removal from the Consent Calendar.

12. STREET SWEEPING PARKING RESTRICTIONS: LA VACA/JUTEWOOD RESTRICTION AREA submitted by Director of Public Works/City Engineer. (F: 66.5Y)

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council adopted Resolution No. 2010-42 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ESTABLISHING STREET SWEEPING PARKING RESTRICTIONS ON VARIOUS STREETS. MOTION CARRIED with Mayor Pro Tem Dixon absent.

#### PUBLIC HEARING(S):

19. 2010 CALIFORNIA BUILDING STANDARDS CODE AND FIRE CODE UPDATE – SECOND READING PUBLIC HEARING submitted by City Clerk. (F: 20.2)

ACTION: Second Reading of the 2010 California Building Standards Code and Fire Code was removed from the Agenda calendar.

#### DISCUSSION/ACTION ITEMS:

20. PRESENTATION REGARDING THE ORANGE COUNTY DRAFT VERY HIGH FIRE HAZARD SEVERITY ZONE (VHFHSZ) AND RELATED MAPS submitted by Director of Development Services. (F: 71.7G)

ACTION: Received presentation and provided input on the draft Very High Fire Hazard Zone Severity Zone and related maps and direct staff to coordinate with the Orange County Fire Authority for transmittal of comments to CalFire.

21. ORDINANCE REGARDING LAKE FOREST TRANSPORTATION MITIGATION PROGRAM BASELINE ADJUSTMENT IMPLEMENTATION PERIOD submitted by City Attorney. (F: 5011C)

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council introduced and amended an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTION 7.19.030(C) OF THE LAKE FOREST MUNICIPAL CODE RELATING TO THE LAKE FOREST TRANSPORTATION MITIGATION PROGRAM BASELINE ADJUSTMENT IMPLEMENTATION PERIOD. MOTION CARRIED with Mayor Pro Tem Dixon absent.

22. CARRYOVER REVENUES AND APPROPRIATIONS submitted by Director of Finance/City Treasurer. (F: 30.9)

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council: 1. Adopted Resolution No. 2010-44 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2010-2010 AND THE CAPITAL IMPROVEMENT PROJECTS BUDGET FOR 2009-2011. 2. Amended and approved carryovers in revenues. MOTION CARRIED with Mayor Pro Tem Dixon absent.

23. STATUS OF THE ORANGE COUNTY DIVISION, LEAGUE OF CALIFORNIA CITIES AND THE POSSIBLE FORMATION OF THE ASSOCIATION OF CALIFORNIA CITIES - ORANGE COUNTY submitted by Assistant to the City Manager. (F: 43.4)

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council 1. Discussed the current status of the Orange County Division, League of California Cities and the possible formation of the Association of California Cities - Orange County. 2. Authorized continued membership in the State League of California Cities, the Orange County Division of the League, and if formed, the newly organized Association of California Cities – Orange County. MOTION CARRIED with Mayor Pro Tem Dixon absent.

24. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES submitted by City Clerk.

ACTION: The Council made no appointments.

#### CITY MANAGER'S REPORT:

City Manager Dunek presented no report.

CITY COUNCIL COMMENTS:

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Council Member Tetteimer offered comments.

Mayor Pro Tem Dixon was absent.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 9:15 p.m.